



Docket No. 4303-4003US5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gregory Pinchasik et al.

Group Art Unit: 3731

Serial No.: 10/040,789

Examiner: TBA

Filed: January 9, 2002

For: LONGITUDINALLY FLEXIBLE STENT

INFORMATION DISCLOSURE STATEMENT

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

DE 199 00 411 - Abstract only
DE 197 53 123 - Abstract only
FR 2,758,253 - Abstract only
2. For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

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- 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
 - 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
 - 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
 - A check in the amount of \$180.00 is enclosed in payment of the fee.
 - Charge the fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
 - a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. This Information Disclosure Statement is being filed in compliance with:
 - a. 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
 - b. 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
 - c. The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11

below.

9. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. This document is accompanied by a Search Report Communication which was cited in a corresponding PCT or Foreign counterpart application
11. A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4303-4003US5. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 24, 2004

By:


Keith J. McWha
Registration No. 44,235

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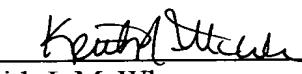
below.

9. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
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Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

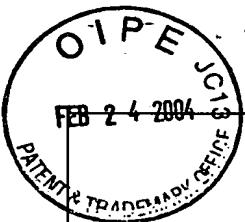
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U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

| Examiner Initial | | Patent Number | Publication Date | Country | Class | Sub-Class | Translation |
|------------------|--|---------------|------------------|---------|--------|-----------|--|
| | | 0 623 354 A1 | 11/09/1994 | EP | A 61 L | 31/100 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | 1 020 166 A1 | 07/19/2000 | EP | A 61 F | 2/06 | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | 199 00 411 A1 | 07/13/2000 | DE | A 61 F | 2/04 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Abstract Only |
| | | 197 53 123 A1 | 08/05/1999 | DE | A 61 F | 2/04 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Abstract Only |
| | | 2 758 253 A1 | 07/17/1998 | FR | A 61 F | 2/06 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Abstract Only |

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

European Search Report dated December 2, 2003

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.
Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to Applicant.